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# Explaining fragmented and fluid mobilization in gold mining concessions in eastern Democratic Republic of the Congo

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## Abstract

The expansion of industrial mining in the eastern Democratic Republic of the Congo has sparked social mobilization in gold mining concessions, most of which are important sites for artisanal mining. Congruent with observations on the nature of social movements in Africa, such mobilization is hyper-fragmented and fluid. We ascribe this high degree of fluidity and fragmentation both to factors internal to the social mobilization effort, including limited organizational potential and the heterogeneity of attitudes and discourses, and the political and socio-economic context, characterized by intense conflicts, patronage-based politics, poverty and repression. Additionally, we identify certain company practices as undermining the sustainability and coherence of social mobilization, in particular: the co-optation of intermediaries and protestors, acquiescence in practices of favoritism, fostering a repressive climate, and token commitment to community participation. We conclude that to understand social mobilization in mining concessions, it is important to study the interplay between political (re)actions ‘from above’ and ‘from below’, and to recognize the diversity of these (re)actions, which are located on a wide spectrum between resistance and repression on the one hand, and collaboration and co-optation on the other.

**Keywords:** industrial mining; social mobilization; conflict; artisanal mining; Democratic Republic of the Congo

## 1. Introduction

In the wake of the peace accord that formally ended the Second Congo War (1998–2003), transnational mining companies have (re)started industrial exploration and production in the eastern Democratic Republic of the Congo, despite ongoing volatility. This intensifying corporate interest (especially in gold) heralds a new chapter in the Congo’s long and intricate history of mining, marked by episodes of industrialization and de-industrialization, nationalization and privatization, militarized mining and artisanal frontier mining (Bryceson and Geenen, 2016). One of the defining features of the most recent episode of nascent industrialization is tension between artisanal miners and transnational companies as well as between companies and communities more generally. This article provides insight into such tensions through the lens of social mobilization *around* (and not necessarily *against*) industrial mining.

In line with observations on the nature of social mobilization in Africa (de Waal and Ibreck, 2013; Larmer, 2010), we observe that mobilization around industrial mining in the Congo is both very fluid - rapidly intensifying and waning over time –and extremely fragmented–having limited coordination, while the involved groups pursue different goals and adopt diverse strategies and discourses. We

ascribe this fragmentation and fluidity to both factors internal to the mobilization effort, including pronounced divisions and limited organizational capacity, and to contextual factors, in particular the salience of patronage-based politics, conflicts, repression and poverty. Additionally, we focus on the role of mining companies, highlighting the following practices: co-opting local elites and protestors, acquiescence in favoritism by local elites, fostering a climate of repression and a more rhetoric than real commitment to community participation. We contend that these actions and reactions ‘from above’ often remain under-analyzed in scholarship on social mobilization around extractivist projects, which tends to focus on ‘political reactions from below’ (Borras and Franco, 2013). However, to understand how mobilization unfolds, it is needed to adopt an interactionist approach, which looks at the interplay between political actions and reactions both ‘from below’ and ‘from above’, and which situates these on a broad continuum between resistance/repression and collaboration/co-optation.

Our argument draws on empirical material from two gold mining concessions in the eastern Congo operated by Banro Corporation, a Canada-based transnational company. Since the dynamics of mobilization in these concessions display important similarities, we have generalized the findings emerging from the research conducted at each site, rather than treating them as comparative case studies. Data were obtained through extensive fieldwork conducted periodically by the authors between 2008 and 2016, during which interviews were held with artisanal miners, farmers, local authorities, security services, civil society organizations and mostly Congolese company staff. Field data were complemented by and triangulated with a wide range of documents including letters, petitions, communications, and news articles from Congolese and international media.

The article is structured as follows. In the next section we draw on relevant literature on social mobilization, specifically in relation to large-scale mining, to identify the debates to which this article aims to contribute. Section 3 analyzes social mobilization in Banro’s concessions, focusing on its fluidity and fragmentation. In Section 4, we provide explanations for the observed nature of mobilization, exploring factors which are both internal and external to the mobilization effort. Section 5 then discusses the influence of company practices, which paves the way for a concluding section on the importance of integrating political actions ‘from above’ into the analysis of social mobilization around industrial mining.

## **2. Social mobilization and large-scale mining**

Social protest against large-scale mining is increasingly analyzed through the theoretical lens of ‘social mobilization’. Bebbington et al. (2008: 2890) understand such mobilization primarily in terms of the defense of the material and immaterial aspects of livelihood, positing that it aims “to protect assets by challenging the structures, discourses and institutions that drive and permit exploitation and dispossession”. Building on this work, a growing body of literature analyzes how social mobilization against large-scale mining is framed, expressed and organized, and the conditions that shape it (e.g. Kirsch, 2014; Samorna, 2013; Urkidi, 2010).

Reacting against the tendency to romanticize ‘resistance’, or conceptualize it in a monolithic manner, the recent literature on social mobilization against extractivist projects emphasizes the need to study the entire spectrum of “political reactions ‘from below’” (Borras and Franco, 2013; Hall et al., 2015). This implies looking not only at different types of protest, but also at forms of acquiescence and mobilization around participation in decision-making and the distribution of socio-economic benefits. Attention to diversity also entails exploring social divisions and conflicts, and how these are

transformed or created by different attitudes, interests and alliances in relation to the extractivist project (Bebbington et al., 2008; Conde and Kallis, 2012; Haalboom, 2012).

The call for recognizing divisions and diversity chimes with recent literature on social movements in Africa, which emphasizes their limited coherence and pronounced pluriformity, including in terms of worldviews and mobilizing discourses. For Larmer (2010: 252), this diversity indicates how these movements reflect “the contradictions and hierarchies of the society in which they operate”, including those shaped by “inequalities of resources, influence and education and differences of class, gender and ethnicity, amongst others”. Similarly emphasizing divisions and inequalities, de Waal and Ibreck (2013: 309) highlight how these features, in combination with the salience of informal and personalized politics, render social movements susceptible to co-optation and transformation into “alternative patronage systems”. The resulting fragmentation undermines these movements’ sustainability, giving them an episodic character. According to Bebbington et al. (2008), who analyze mobilization around extractivist projects in other contexts in the Global South, the susceptibility to co-optation and acquiescence is also shaped by economic and political opportunity structures, in particular the positioning of the extractivist project within the local economy and the degrees of repression encountered.

The political and socio-economic conditions in which protest emerges influence the possibilities for the mobilization of financial, human, organizational, and informational resources (McCarthy and Zald, 1977; 2001). From the perspective of resource mobilization theory as first formulated by McCarthy and Zald (1977), sustained social mobilization requires organizational structures capable of harnessing financial and human resources. It is therefore facilitated by pre-existing forms of organization. For social movement theorists highlighting political opportunity structures (McAdam et al., 2001; Tilly and Tarrow, 2007), the ability to organize and attract resources is also influenced by the relative strength of a movement’s domestic and international allies, and the nature of the political order in which it is situated, including its openness to new political actors and the level of repression (Tilly and Tarrow, 2007).

With regard to extractivist projects, counter-mobilization is not only shaped by a country’s authorities, but also by company reactions. However, the role of the company is not always systematically explored, as much work focuses on mobilization ‘from below’. Nevertheless, a growing body of literature studies the strategies and tactics that corporations employ to pre-empt or quell resistance, including divide and rule initiatives like co-optation and astroturfing, public relations efforts, lobby campaigns, and direct and indirect forms of repression and intimidation (e.g. Dunlap, 2017; Kraemer et al., 2013; Lasslett, 2014). A part of this literature explores how Corporate Social Responsibility (CSR) programs are harnessed within efforts to avoid or diffuse contestation (Bebbington et al., 2008; Rajak, 2011), including by enlisting local elites as “first line of corporate defense” (Welker, 2009: 143).

The focus on CSR and counter-mobilization reflects growing analytical attention to how corporate policies shape company-community relations, and the ways in which these policies are implemented and experienced (Haalboom, 2012; Kirsch, 2014; Welker, 2014). This literature foregrounds company representatives’ agency when implementing corporate policies, and how these representatives interpret company guidelines according to their own vision. Therefore, it is important to study company practices *as actually enacted* and not as merely contained in formal policies. These practices include acquiescence and inaction, for not acting is also a choice. In this contribution, we intend to account for these nuances, focusing on company representatives’ actions and inactions, rather than on ‘company strategies’. The reasons for this are also methodological: since few of the observed corporate practices could be traced back to formal policies, and because the company staff

contacted articulated different visions (cf. Welker, 2014), it was difficult to unambiguously identify ‘company strategies’ unless a clear and consistent pattern of practices could be detected.

### 3. Social mobilization in Banro’s concessions

Canada-listed Banro was one of the first corporations to launch activities in the eastern Congo after the area formally passed from rebel to central government control in 2003. After exploration activities had started around 2004-2005 in Namoya (Maniema province) and Twangiza (South Kivu province), a census of artisanal miners working and of households (of mostly farmers and to a lesser extent miners) living within the core mining perimeter was carried out in 2008 (see Table 1). A couple of years later these miners and farmers and their families were forcefully displaced. In each concession, a Community Forum negotiated a Memorandum of Understanding (MoU), which were signed in 2010 (Twangiza) and 2014 (Namoya), respectively. Twangiza Mining (Banro operates through subsidiaries in each concession) went into commercial production in September 2012, with Namoya Mining following suit in January 2016.

Throughout the different stages of the mining project, from exploration to development to production, Banro’s presence has generated various cycles of social mobilization. As further explained below, these have been characterized by fluidity, being episodic rather than consistent, and fragmentation, with ill-coordinated and disparate groups formulating different and changing claims, expressed in different discourses. One of these groups is local authorities, which differ per concession. The Twangiza concession covers four chiefdoms (Luhwindja, Burhinyi, Kaziba, Ngweshe), which are headed by a paramount chief (*mwami*, plural: *bami*). Chiefdoms are subdivided in *groupements* (led by a *chef de groupement*), which in turn consist of *localités*, ruled by lower-level chiefs. The chiefdom system is hierarchically and centrally organized with strong reciprocal relationships between the *mwami* and his ‘subjects’ (Geenen and Claessens, 2013). The organization in Namoya, by contrast, is more decentralized. The Namoya concession is situated in the sector of Bangubangu Salambila (BBS), which is an administrative entity at the same level as the chiefdom. However, it is led by a state-appointed *chef de secteur* (sector chief) rather than a customary chief, although it is similarly subdivided in *groupements* and *localités* headed by lower-level customary authorities.

**Table 1. Timeline mine development and social mobilization in Twangiza and Namoya**

	Twangiza	Namoya
Exploration starts	2005	2004
Community relations department in place	2007	2008
Census of artisanal miners and households, announcement of resettlement plans	2008	2008
First large-scale direct protests	2009	2012
Community Forum in place	2009	2012
‘Cahier de Charges’ submitted by community		2012
Artisanal miners ordered to leave concession	2010	2012
Memorandum of Understanding signed with community	2010	2014
Households resettled	2011	2013
Protests entailing (temporary) occupation of mining sites	2011	2016
Commercial production	2012	2016

In both concessions, the first instances of widespread social mobilization occurred around the announcement and execution of involuntary resettlement plans: in Luhwindja chiefdom in the Twangiza concession, an estimated 6,000 miners and 850 households were to be displaced from Mbwege hill; in Namoya a roughly equal number of miners and 195 households were to be relocated from Mwendamboko hill. In Twangiza, the announcement of forced displacement led to violent protest by both miners and farmers in 2009. Their actions were informed by a rights-based discourse, in which livelihoods took center stage. A community leader said:

I was standing first in line to fight Banro. Why? Because our rights had been violated! To save our rights, we have done everything; we resisted, we barred the road. We claimed our rights. They called in the police and the military. But we told them we were prepared to die. Because I have my field and that's my life!<sup>1</sup>

Banro initially responded with repression, putting so-called 'troublemakers' on a black list. Yet the company came under severe pressure to improve relations with the community and preserve the 'social peace'. In 2009 they decided to set up a Community Forum, in which representatives of different socio-economic groups were to negotiate with the company over resettlement, compensation, employment and community development. The composition of the Forum, however, was heavily disputed. For example, the president of the participating miners' committee was soon discredited, being accused of corruption by some of the miners.<sup>2</sup> Despite these difficulties, a MoU was eventually signed on 5 June 2010, which ordered the departure of artisanal miners from Mwana River and Kaduma and Lukunguri hill. This measure was enforced with the help of the acting head of the Luhwindja chiefdom, the *mwamikazi* (the *mwami's* mother). Some miners thereafter reoriented to alternative economic activities, while others – mainly those not native to the area – migrated to other sites.<sup>3</sup> Hundreds of miners, however, were not prepared to leave. In March 2011 they violently reoccupied Kaduma and Lukunguri.<sup>4</sup> In early 2017, an estimated 2000 to 3000 miners were still active in Kaduma.<sup>5</sup> Given the far-reaching impact of Banro's presence on livelihoods, it should come as no surprise that contentious action against the company has taken the form of a 're-possession' of artisanal mining sites.

In Namoya, the resettlement process unfolded in a slightly different way. Banro seems to have learned lessons from Twangiza, where miners had re-occupied a part of the concession and attempts to train artisanal miners for alternative activities had largely failed (partly because of corruption among local organizations, see Geenen, 2015). In Namoya, Banro negotiated with the government to create an artisanal mining zone in Matete, about 25km from Mwendamboko. The plan was to support the creation of a miners' cooperative and collaborate with international organizations and private actors to set up a certification scheme (Banro, 2015). On 14 September 2012, the artisanal miners were given an ultimatum to leave the hill and a radio message urged them to register with

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<sup>1</sup> Interview community leader, 08.01.2011.

<sup>2</sup> Interview community leader, 08.01.2011.

<sup>3</sup> A limited number of former artisanal miners have been hired by labor subcontractors for Banro. In the initial phase of mine development, there were 850 day laborers; mid-2017, it were around 600, only a part of whom was previously active in artisanal mining.

<sup>4</sup> This occupation happened after several months of economic crisis, which was worsened by a government-imposed ban on all artisanal mining activities, see Geenen (2012).

<sup>5</sup> Census carried out by PhD researcher Ben Radley.

the cooperative (Radio Okapi, 2012).<sup>6</sup> In response, about 200 miners marched up to the company's offices. According to a news report (Radio Okapi, 2012), an intervention by the national police left three miners wounded, which a company statement denied.<sup>7</sup> Later, the group went to Kimbaseke village, where they targeted the homes of company staff,<sup>8</sup> of certain community leaders considered traitors,<sup>9</sup> and of a miners' representative accused of wanting to strike an agreement for their dislocation. Indeed, as in Twangiza, the artisanal miners held no agreed position. While some were willing to cooperate, others rejected the mining project altogether and did not respond to the call to leave the perimeter. Consequently, in April 2013 a provincial decree was issued that gave the miners 20 days to leave, while instructing the territorial administrator to oversee the process.<sup>10</sup> This second effort to expel the miners achieved its objective, although it required the large-scale deployment of police using heavy-handed tactics including arrests and the burning of huts.<sup>11</sup>

In 2012 a *cahier de charges*<sup>12</sup> listing community expectations vis-à-vis Banro in terms of social benefits was handed over in the name of the Bangubangu Salamabila (BBS) sector. Two years of negotiations followed, culminating in the signing of a MoU determining and prioritizing company interventions.<sup>13</sup> This MoU has generated high expectations, which by the time of our fieldwork in September 2015 had turned into disappointment and frustration. These feelings eventually prompted collective mobilization by local customary leaders and civil society, leading to a new and more broad-based march protesting the 'non-respect of the *cahier de charges*' in January 2016. While conceived of as non-violent, the march spiraled out of control, involving violent police deployment and forms of property destruction by the protestors. According to their own testimony, the shooting of a human rights activist by a captain of the police unit contracted by Banro to guard its installations prompted the protestors to temporarily occupy Mwendamboko hill, where they started to mine.<sup>14</sup> Company representatives have cast doubt on this account, claiming that the protestors first displayed violent intentions before the policeman opened fire.<sup>15</sup>

From the timeline presented above, we can deduct that direct protest (demonstrations, re-occupations, property destruction) peaked at specific moments, notably the announcement and implementation of resettlement plans and the closure of artisanal mining sites. At such moments,

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<sup>6</sup> In July 2013 the *Association des filoniens creuseurs d'or de Namoya* wrote to the governor of Maniema to demand compensation for investments made in their pits. They claimed having made an agreement with Namoya Mining on a compensation of 28.000 USD per pit, which was never honored (Letter by *Association des filoniens creuseurs d'or de Namoya* to the Provincial Governor, 29.07.2013). The company replied they can only compensate owners with official titles (Namoya Mining Sarl, letter of 22.11.2013).

<sup>7</sup> Banro response to Salamabila events of 15.09.2012.

<sup>8</sup> Interview community relations staff member, 11.09.2015.

<sup>9</sup> Rapport de mission OGP, 07.10 - 07.11.2012.

<sup>10</sup> RDC, Province du Maniema, Arrêté interministériel des ministres provinciaux n.02/085/CAB/MINPRO/INOP/MMA/2013 et n. 001/001/CAB/MINPRO/EME/MMA/2013 portant mesures d'application de l'Arrêté provincial n.13/017/CAB/GP-MMA/2013 du 12/04/2013 portant interdiction de l'exploitation artisanale dans le périmètre minier de Namoya Mining Sarl dans le secteur des BB Salamabila en territoire de Kabambare.

<sup>11</sup> Interviews *chef de groupement*, 15.04.2016; and artisanal miners, 15 and 16.06.2016.

<sup>12</sup> Cahier de Charges Village Saramabila, 12.2012. This document was drafted by the community and includes a list of infrastructure and social projects they want the company to execute.

<sup>13</sup> Protocole d'Accord signé entre la société Namoya Mining Sarl et le Secteur de Bangubangu Salamabila, 09.2014.

<sup>14</sup> Memo adressé aux organisations non gouvernementales internationales intervenants dans le secteur des ressources naturelles en RD Congo, Maniema Libertés, 16.02.2016 ; Bulletin hebdomadaire sur les droits humains dans la province du Maniema, Maniema Libertés, 08.02.2016..

<sup>15</sup> Interview Banro staff member, 23.04.2016.

artisanal miners joined forces with farmers, civil society and local authorities. In between these junctures of concerted action, various other forms of more fragmented contentious action took place, such as discussions in the Community Forum, the writing of letters and petitions, and the lobbying of national politicians. These activities were generally undertaken by individual interest groups represented in the Forum, many of which had not collaborated or constituted separate organizations before. As described for the artisanal miners, some of these groups faced challenges concerning representation, with the leadership seen as failing to represent the interests of the base. Moreover, many were internally divided, as members held different attitudes vis-à-vis the mining project, which also hampered collaboration between groups. Paradoxically, certain groups, like artisanal miners and farmers, simultaneously or alternately totally rejected the mining project and demanded more inclusion, in the sense of sharing in decision-making and potential benefits. These demands were formulated in different discourses, reflecting various worldviews and logics. While some groups employed rights-based discourses –a frequent observation among miners was “they just have to give us what we are entitled to”<sup>16</sup>– others drew upon discourses of belonging, highlighting their ancestral connection with the land. In the words of one trader: “They shouldn’t quickly plunder the riches that our ancestors have left for us in the subsoil.”<sup>17</sup>

This invocation of discourses of belonging connected the mobilization effort to pre-existing (sometimes latent) conflicts between identity groups and administrative entities, which were activated or aggravated by the company’s presence. This dynamic was strongly visible in Namoya, where different groups started to claim that the concession was located on their land, the implication being that they should be the primary recipients of compensation, CSR interventions, employment and mining rents. For instance, the provinces of Maniema and South Kivu are in dispute over where the Namoya concession is located, as the provincial boundaries are allegedly not entirely clear. There has also been considerable debate between the various *groupements* that constitute the BBS sector, in particular over which *groupement* is the location of the Mwendamboko hill.<sup>18</sup> At sector level, there are disputes between different ethnic groups, with the Bangubangu considering themselves as ‘autochthones’ (which is contested by a minority group named the Hongwa<sup>19</sup>), as opposed to Bashii migrants and Barega (coming from South Kivu). In addition, there are conflicts between BBS and other sectors in Maniema province.<sup>20</sup> As a participant in the Community Forum explained:

It was a discussion point at the Forum: who is the ‘affected community’. Some members said it was the entire Kabambare territory. Others said no. (...) Even people from neighboring territories came and made similar claims. But we stuck to the administrative divisions and decided to go with the sector of BBS. But even now people are still making these claims, and chiefs come with their own *cahier de charges*.<sup>21</sup>

In sum, the social mobilization effort was hampered by conflicts both between and within the different groups involved, which articulated distinct, sometimes competing visions and demands towards the company.

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<sup>16</sup> Group interview miners, 15.09.201

<sup>17</sup> Group interview traders, 11.09.2015.

<sup>18</sup> Interview journalist, 12.09.2015.

<sup>19</sup> Interview youth leader, 14.09.2015.

<sup>20</sup> Interview civil society activist, 15.04.2016.

<sup>21</sup> Interview Banro staff member, 08.09.2015.



#### 4. Explaining fragmentation and fluidity

In the previous section, we have described how social mobilization in Banro's concessions is marked by unsteady coalitions, incidental coordination, the episodic visibility of contentious action, and divergent and changing attitudes and discourses. In this section, we further explore the reasons for this fluidity and fragmentation, locating these in the capacities of different groups (*in casu* artisanal miners, civil society, and local authorities and elites) to organize and coordinate mobilization, and the ways these capacities are shaped by the socio-economic and political environment.

The existence of seemingly contradictory and often changing attitudes towards the company (for instance rejecting its presence, but simultaneously or alternately demanding a greater share of the benefits) should first of all be understood in the light of the extremely precarious socio-economic conditions in the Congo. This situation drives both elites and non-elites to seize any opportunity they encounter, inducing an orientation towards immediate and individual gain, rather than longer-term collective benefits, which in turn fuels conflicts and competition (Verweijen, 2015).

Ongoing conflicts are also related to pre-existing divisions between different identity groups and administrative entities, as illustrated above, and the salience of certain conflict-inducing narratives. A prime example is the autochthony discourse, which pits 'foreigners' or 'immigrants' against the 'first' or 'original' inhabitants of a place (Jackson, 2006). Another factor fostering conflicts is the salience of patronage-based politics within the Congo's political order, which is marked by ongoing competition between different patronage networks (Trefon, 2011). While such networks can provide an organizational framework for mobilization, in the case of protests against industrial mining, they often end up undermining the coherence of mobilization efforts, as they cut across the different professional and other interest groups involved. Additionally, patronage politics fosters a penchant for co-optation, implying the granting of access to favors in exchange for loyalty, which leads to unstable positions among local leaders (Verweijen, 2015; 2016).

A final dimension of the political order that affects the nature of social mobilization is the relative degree of freedom of expression and political organization. While political repression in the Congo is neither absolute nor systematic, there is not an open climate in which civil liberties are guaranteed (Trefon, 2011). The nature of the security services, which rely on deterrence rather than systematic monitoring and timely intervention, further circumscribes possibilities for contentious action, causing people to anticipate disproportionate and arbitrary repression (Verweijen, 2015). Heavy-handed interventions also contribute to the fluidity of social mobilization, as they make people quickly refrain from further action out of fear.

This broader socio-economic and political context shapes the coherence and sustainability of contentious action and the involved groups' capabilities for mobilizing resources. In Namoya and Twangiza, none of these groups has substantial financial resources, impairing their activities. This is particularly the case for the committees of artisanal miners, which moreover lack bargaining power. Collective action by artisanal miners has been further undermined by this group's diversity. While some miners are from the concession area and prefer to stay there, others come from afar and are relatively mobile, periodically changing mining sites or jobs. Additionally, when resettlement took place, the miners became dispersed and divided. For example, after the closure of Mwendamboko hill in Namoya, some moved to artisanal mining sites further away, like Misisi in South Kivu, while others continued to dig in or around Banro's concessions, in spite of the risk of being caught. Yet other miners left the mining sector altogether, trying to earn an income in a different way. A fourth, relatively small group, joined the mining and agricultural cooperatives created with the assistance of Banro to help convert the miners to alternative livelihoods. While the mining cooperative has

received (limited) material support, they are struggling to access gold, which is much scarcer and deeper underground than where they used to dig. In addition to frustrations about Banro's unfulfilled promises, cooperative members also feel the contempt of non-members: "We are supposed to be examples for the rest of the community. The company should embrace us. But today we, as well as those who disagreed with us, we are all in the same situation. They begin to make fun of us".<sup>22</sup> Finally, as in Twangiza, the unity of miners in Namoya has been undermined by disagreements over representation, which were aggravated by company efforts to co-opt their leaders, as further discussed below.

The issues of contested leadership and limited resources have also hampered the mobilizing capacity of civil society organizations in Namoya, which are united in a platform with an elected president that is simply known as *société civile* (civil society). Another factor affecting these organizations' mobilizing capacity is their relative isolation. Namoya is weakly connected to the provincial power centers of Kindu (Maniema) and –despite the recent rehabilitation of the road towards Uvira–Bukavu (South Kivu). Internet has only recently become accessible, with the rise of cell phone network-based access. In combination with a lack of highly educated members, this isolation partly explains the absence of NGOs with international funding and good connections with (trans)national advocacy networks. Twangiza, by contrast, is only a two hours' drive from Bukavu. On the one hand, this location enhances opportunities for social mobilization, providing access to political, human and financial resources. On the other hand, it intensifies local associations' connection to the interests and conflicts of urban-based elites. In the following section, we show how the availability of resources and influential allies did not enable stronger coordination in Twangiza, but rendered the mobilization effort subject to diverging elite agendas (cf. Verweijen, 2017).

As with civil society organizations, local authorities and other elites have displayed limited coherence in their mobilization efforts, reflecting their heterogeneity and the changing dynamics of alliance-making. In Twangiza, Banro decided to closely collaborate with the chiefs, in particular the *mwamikazi* of Luhwindja. When they asked her to facilitate the company's installation in 2005, they actually played into an ongoing succession conflict between and within two rivaling families, reinforcing the *mwamikazi*'s position while sidelining her competitors (Geenen, 2015). The *mwamikazi* subsequently gained additional political clout (by being co-opted into the provincial parliament after the 2006 elections) and economic power (by winning contracts from Banro). This further sparked opposition against her and gave this opposition an increasingly political and supra-local dimension. An important catalyst of these developments was Codelu, a group of Bukavu-based elites from Luhwindja that was initially supportive of the Banro/*mwamikazi* alliance, not least because some of its members had won contracts to build community infrastructure or organize training for former miners. Around 2011 however, when some of these contracts were not renewed, Codelu started to mobilize against the *mwamikazi* and won political support from provincial as well as national politicians. It also supported a petition organized in 2012 that called for the *mwamikazi*'s abdication.<sup>23</sup> In the aftermath, two leaders of the organization that had initiated the petition were arrested. These events prompted Codelu to openly accuse the *mwamikazi* of bad management,<sup>24</sup>

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<sup>22</sup> Interview member of cooperative, 10.09.2015.

<sup>23</sup> Pétition de la population de Luhwindja contre Madame Espérance M'Baharanyi La Namunene, 2012. The petition collected 4044 signatures, although some people later protested because they found their name on the document without having signed.

<sup>24</sup> Letter from CODELU to Banro, Retrait de la confiance de la population de Luhwindja à Madame Espérance M'Baharanyi, 28.03.2012.

while another group of Bukavu-based elites from Luhwindja started blaming Codelu in turn.<sup>25</sup> At about the same time, a family that has been a rival to the Luhwindja throne for decades began to tap into these existing divisions to reinforce its position.<sup>26</sup> In 2015 they were accused of organizing a violent attack on the residence of the *mwami*, who by then had formally taken over power.<sup>27</sup> After this attack, the *mwamikazi* also openly voiced criticism against Banro.<sup>28</sup> These developments show not only how local elites' positions towards the company changed in response to company practices, such as granting contracts and seats at the negotiation table, but also how these positions affected their legitimacy. This last dimension, in turn, influenced social mobilization, hampering the ability of particular local elites to mobilize the population while enhancing their opponents' capabilities to do so. The situation in Luhwindja thus illustrates how social mobilization is both shaped by and shapes broader struggles over authority.

In Namoya, where there are only lower-level (*groupement*) chiefs who lack direct political connections in Kinshasa, Banro chose to collaborate primarily with the chief of the BBS sector. The latter has close ties to the governor of Maniema province, who is in turn co-opted into the presidential circle. Banro's cozy relations with the sector chief have led the lower-level chiefs to feel frustrated, believing their authority and rights are being ignored. One chief complained for example that the *cahier de charges* was imposed upon them.<sup>29</sup> Another expressed his frustration as follows:

I am chief here, owner of the land they work on. But since they have arrived, they have done nothing but lie to me. They tell me to wait for my contribution until they'll be in the production phase. But they are producing! They think I am a 'little man'. But this is my land ! I manage this youth, who is about to make troubles here. We see them [Banro] as mere thieves.<sup>30</sup>

Although framed in discourses of rights linked to customary ownership, these claims are also about a loss of income, as the chiefs used to benefit from customary taxes on artisanal mining. Deprived of their income and power, the *bami* have tried to redress the situation by making demands for inclusion (they presented, for example, their own *cahier de charges* and created labor hire or service companies to be contracted by Banro) and by seizing upon existing social mobilization against the company. Thus, they started to voice the same grievances as the population, thereby reinforcing the idea of being their 'real representatives'. At the same time, they accused competing local elites, in particular the sector chief, of complicity with alleged malpractices of the company. In 2016, the sector chief was suspended by the then Prime Minister regarding accusations of bad management of the January march that had turned violent. The customary chiefs have tried to take advantage of the suspension to reinforce their own position.

To conclude, the different groups involved in social mobilization around Banro often have limited pre-existing organizational structures; lack adequate financial and human resources; are embroiled in internal conflicts; and are at times dominated by elites involved in local power struggles who display inconsistent attitudes. Reflecting their evolving relations with the company, local elites tend to change their position strategically, for instance first presenting themselves as loyal intermediaries

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<sup>25</sup> Letter from 'Intellectuels et amis du mwami', Notre réaction aux impertinences continues dans la lettre vous adressée par la Codelu en date du 11 septembre 2012, 21.09.2012.

<sup>26</sup> Letter from Ruvura family, Rappel de notre demande d'intervention dossier mwami Ruvura, 30.04.2012.

<sup>27</sup> One member of the rivalling family has been convicted by the Military Tribunal; the case is now in appeal. Interview lawyer, 15.04.2017.

<sup>28</sup> Interview chief, 08.04.2017.

<sup>29</sup> Interview *chef de localité*, 15.09.2015.

<sup>30</sup> Interview *chef de localité*, 10.09.2015.

and then as able to unleash and channel popular anti-company sentiments. Second, local elites are embedded in wider power networks, whether on a patronage basis or as part of formal hierarchies, the changing dynamics of which shape their participation in social mobilization. Third, elites' position towards the company is affected by the waxing and waning of their local legitimacy, which in turn influences their engagement in social mobilization.

## 5. Political (re)actions 'from above'

The fluid and fragmented nature of social mobilization in Banro's concessions is not merely a product of the socio-economic and political context, or the features of the mobilizing groups. Certain company practices intensify the factors that undermine the coherence and sustainability of social mobilization, for instance by promoting rapidly changing attitudes towards the company or a climate of fear. In this section we analyze four such practices: the co-optation of local leaders and dissenters; acquiescence of favoritism related to access to benefits; fostering a climate of repression; and rhetorical rather than real commitment towards community participation.

Reflecting local political logics, Banro generally engages in co-optation. A staff member of its Human Resources department explained for instance that service and labor hire contracts are preferably granted to local elites, not because they offer the highest quality services, but to keep them satisfied.<sup>31</sup> Additionally, in its concessions, the company tends to rely on a few local authorities who are loyal to them and act as intermediaries towards the community. It counts on these intermediaries to enforce decisions, manage dissent and handle competing authorities. By becoming privileged channels of influence and resources, these co-opted authorities often see their power position significantly reinforced. Having the backing of the company, however, they also tend to become less accountable to their subjects. In the words of one focus group participant in Namoya: "The sector chief regularly receives 'envelopes'. So when he takes a position in defense of his people, they [Banro] call him at their offices, and when he returns he pleads in favor of Banro."<sup>32</sup> As the case of the *mwamikazi* illustrates, enduring co-optation may lead authorities to become contested, which in turn fosters fragmentation.

Co-optation also promotes favoritism, as those co-opted by the company may use their influence to favor their own network, particularly when it pertains to access to jobs. According to the MoU signed in Namoya: "The company as well as its subcontractors give priority to local manpower and will do its best to distribute jobs fairly among the different towns and villages".<sup>33</sup> Fair distribution was to be achieved through setting up a sub-committee within the Community Forum that had to monitor the recruitment process and determine people's origins. However, since the identification process is based on unclear criteria, it is easily manipulated. As a businessman in Salamabila stated: "The majority of people who work here are Bashi. They buy certificates that they originate from here from the sector chief. He sells those for his personal profit".<sup>34</sup> Other informants, including Banro staff members, confirmed this, stating that people from Bukavu pay a few hundred dollars "to be put on the list"<sup>35</sup> and that you need to be "close to the sector chief" in order to get a job.<sup>36</sup> Despite their awareness of the danger of perceptions of bias and corruption, as evidenced by their careful

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<sup>31</sup> Interview Human Resources staff member, 15.04.2017.

<sup>32</sup> Group interview local leaders, 09.09.2015.

<sup>33</sup> Protocole d'Accord signé entre la société Namoya Mining Sarl et le Secteur de Bangubangu Salamabila, 2014.

<sup>34</sup> Interview president FEC Salamabila, 16.04.2016.

<sup>35</sup> Interview Banro staff member, 05.12.2016. See also group interview youth, 15.09.2015.

<sup>36</sup> Group interview teachers, 09.09.2015.

attempts to engage more with 'opposition forces' in Luhwindja, Banro's community relations staff appears to do little to correct practices of favoritism of key intermediaries. Hence, 'lessons learned' in Twangiza have not led to significant changes in Namoya. This inaction contributes to polarization between on the one hand, those within the networks of co-opted elites, and on the other hand, the less privileged situated outside of them.

Aside from local leaders, the company also co-opts dissenters, commonly by offering them jobs and other advantages. As a local leader explained: "(...) since Banro's arrival, civil society members have become easily corruptible: an envelope suffices for them to shut up. Just to give you an example: the last two presidents of civil society have been employed by Banro, and since, they have never spoken again."<sup>37</sup> In another interview, participants said: "They are smart. Whenever they have trouble with the population, they identify the main troublemaker and quickly call him in order to buy him off. Try to organize a march against Banro today, tomorrow they will give you a job."<sup>38</sup> In a similar vein, the company tried to reduce resistance among the artisanal miners by co-opting certain key figures. For instance, the person designated to be the representative of the artisanal miners in Namoya, who initially strongly resisted the closure of the mining sites, was offered the post of president of the new miners' cooperative created with Banro's help. This representative has since become heavily criticized, because of alleged connivance with certain powerful higher authorities reported to be close to the provincial governor.<sup>39</sup> As one local authority commented: "The mining cooperative was a creation of the number one of the province, the sector chief and Banro. They have imposed a person [as its leader] who is contested by the population and by the artisanal miners."<sup>40</sup> In 2016, the same representative even created a service company for cutting and processing wood in the Namoya concession and signed a contract with Banro, reflecting his privileged position.<sup>41</sup>

Co-optation typically interacts with coercion. While our findings do not indicate that the repression of contentious action is company policy, we do conclude that Banro's practices contribute to fostering a climate in which repression is a regular occurrence. The company takes for instance limited initiatives to prevent or follow up on incidents by the Congolese police staff that it contracts, like pressing for changing abusive units. To secure its installations, Banro contracts units of the PNC (Congolese police) and private security contractors (at present G4S) (Hönke, 2014). While these contractors are charged with conducting human rights training to ensure the correct behavior of Congolese security staff, the training is reported to be of low quality. As a former employee of a private security contractor explained:

Banro does not organize much training in human rights for the GMI [*Groupe Mobile d'Intervention*, the police unit that attaches its staff to Banro]. Previously, there was personnel [from the contractor] providing training, like first aid; how to deal with manifestations, how to handle workers in case of unrest; how to deal with theft (....) At that time, there were much less incidents (...) Now there are too many misdemeanors; the police staff is badly supervised.<sup>42</sup>

Local human rights organizations and artisanal miners confirmed these observations, describing how those searching for minerals in and around the concessions, even at considerable distance,

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<sup>37</sup> Group interview local leaders, 09.09.2015, see also group interview traders, 11.09.2015 and interview youth leader, 14.09.2015.

<sup>38</sup> Group interview traders, 11.09.2015.

<sup>39</sup> Interview deputy leader of artisanal miners in Namoya, 17.04.2016.

<sup>40</sup> Interview local authority, 16.04.2016.

<sup>41</sup> Interview Namoya Mining staff member, 15.04.2017.

<sup>42</sup> Interview ex-security employee, 15.04.2016.

frequently face beatings, intimidation and arrest.<sup>43</sup> As one miner explained: “If they catch you, they seriously hit you. Or they put you in prison. That happens almost every day. They put somebody in prison, we pay and they release him”.<sup>44</sup> According to several interlocutors, arresting artisanal miners has become an important source of income for security staff. Despite the fact that these practices undermine the credibility and legitimacy of this staff, there appear to be limited efforts from the company to prevent or sanction them.

The company has also been criticized for the way in which it has handled the violent events in Namoya in January 2016, when a captain of the GMI unit contracted by Banro opened fire on a crowd of protestors, leading to the death of a human rights activist. While Banro deferred all responsibility, saying they did not give the orders,<sup>45</sup> a ruling of the *Tribunal Militaire de Garnison* (a military court, which in the Congo has jurisdiction over police personnel) assigned the company civil responsibility and imposed hefty reparations to be paid to the victim’s family. However, as the company is waiting for the appeal to this ruling introduced at the military court in Kindu, the impression emerged that it is not doing anything to help this family. The company also threatened to sue those who organized the January march, namely, the civil society president, the customary chiefs, and the local community radio station, accused of inciting the protestors to attack the company’s property. The plans to sue were widely denounced and seen as an infringement on the freedom of expression and assembly.<sup>46</sup> While the company never followed through on the threat, the announcement did exacerbate tension and fear. In the eyes of many community members, who were deeply shocked by the violence, Banro also failed to engage in other efforts to calm the situation, like confidence-building measures.<sup>47</sup> By contrast, certain company representatives justified the actions of the GMI unit, alleging that the demonstrators were violent. In the words of a community relations person: “They organized a so-called sit-in but with machetes and whips; that is not a sit-in. These policemen are not foolish, he [captain] has engaged in legitimate self-defense”.<sup>48</sup> This same representative commented that the people in Namoya were ‘disagreeable’ [*antipathiques*], which provides some insight into why limited action has been undertaken to mend relations and prevent security staff continuing to engage in violent actions.

That Banro’s reaction to the January events was counterproductive is proven by escalation in the following months, as armed bands started to attack company property. In September 2016, six trucks were burned close to Namoya in an attack on a convoy transporting fuel and mining equipment (Wilson, 2016). On 31 December 2016, a similar attack targeted two vehicles of Banro’s subcontractor CIVICON (Radio Okapi, 2017). In March 2017, five workers were kidnapped (Reuters, 2017) and in May that year “a series of attacks on police and military personnel in the village areas surrounding the mine” took place, together with an attempt to invade the camp, prompting the company to evacuate its staff and temporarily suspend its operations.<sup>49</sup> In this respect, the words of a focus group participant in September 2015 sound ominous:

We say there is nothing positive because they don’t respect our rights. Banro has taken our land away. We cannot farm, mine, fish, nor hunt. We cannot do anything since Banro has

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<sup>43</sup> Group interview female farmers, 13.09.2015, interview member Community Forum 09.09.2015 and group interview civil society 10.09.2015.

<sup>44</sup> Group interview miners, 15.09.2015.

<sup>45</sup> Interview Banro staff member, 05.12.2016.

<sup>46</sup> Lettre d’information de la société civile sous antenne de Salamabila sur les actes de provocation de la société Namoya Mining contre les représentants communautaire du secteur des B.B. Salamabila, 11.03.2016.

<sup>47</sup> Interview local leaders, 15.04.2016, interview civil society representatives, 15 and 16.04.2016.

<sup>48</sup> Interview community relations staff member, 22.04.2016.

<sup>49</sup> Press release, Banro reports incident at its Namoya mine site, 18.05.2017.

taken everything. That is how rebellions are born. [...] Remember: there will be a rebellion in Salamabila. We just claim our rights.<sup>50</sup>

Yet these words should not be read as an endorsement of the recent violent actions, which were carried out by armed groups, and not by community members. In fact, the involvement of these groups has created further divisions: while some sympathize with them, albeit in varying degrees, many do not support their actions (Verweijen, 2017).

A final way in which Banro practices negatively affect the coherence and sustainability of social mobilization is by the company's approach to community participation. While Banro formally upholds its CSR obligations and is publicly praised for it,<sup>51</sup> some of the initiatives seem to be more façades than the product of genuine commitment. One example is the pledge to foster 'community participation', a pillar of 'best practices' in CSR (Wilson et al., 2016) and a key feature in all of Banro's Sustainability Reports. Supposedly, the most important catalyzer for community participation is the Community Forum. However, as described, there are serious issues around the representativeness of Forum participants. Furthermore, we have documented a case in which a decision made by the Forum was 'overruled' by a staff member of the Banro Foundation, the company's 'development' arm, because the latter believed he knew what was 'best' for the community. While the MoU with the BBS sector identified building a technical school as a priority intervention, the staff member told he was dissuading this initiative because (he believed) it would not work and was too expensive.<sup>52</sup> Whereas this attitude might be informed by previous experiences with development interventions, it also indicates a paternalist reflex that combines oddly with the emphasis on community participation and empowerment. This penchant for paternalism is further corroborated by this staff member's views on the local population in a village where the Banro Foundation's development initiatives were not well received by the inhabitants.<sup>53</sup> As he commented: "But they are lazy [*ce sont des paresseux*], I do not give anything for nothing, you have to work for it (..) they do not understand, they do not want to work."<sup>54</sup> Fostering community participation is apparently also hindered by company staff's perceptions of local associations as only pursuing self-interest. As a former community relations officer commented on Namoya: "There is no credible local association there. We never worked with any community-based organization as they were all created ad hoc."<sup>55</sup>

While token commitment to participation would seem to provoke generalized discontent and therefore strengthen the coherence of social mobilization, in practice, it tends to foster further fragmentation, in two ways. First, in their desire to be included in the eventual benefits, the 'loyalists' tend to adopt the point of view proposed by company representatives, while others stick to their original position or criticize the company for not living up to its promises. Second, if interventions proposed by the Community Forum never materialize, the legitimacy of this Forum and hence the desirability of allying with them may be questioned both by the base of the different interest groups represented, who often already heavily distrust their leaders, and by the population at large. Clearly, limited legitimacy undermines the Forum's capacity to mobilize its members for collective action towards the company.

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<sup>50</sup> Group interview miners, 15.09.2015.

<sup>51</sup> In 2015 the company won the award for 'best social investment programs' in the DRC, and in 2016 for 'community development and local content' at the DRC Mining Industry Week, see Press Release, 13.06.2016.

<sup>52</sup> Interview Banro Foundation staff member, 10.09.2015.

<sup>53</sup> See also the letter of the village chief of Fundi Mwalengo of 22.02.2016.

<sup>54</sup> Interview Banro Foundation staff member, 24.04.2016.

<sup>55</sup> Email exchange former Banro community relations person, 07.04.2016.

In sum, there are various ways in which Banro's practices exacerbate the conditions that are at the root of fragmented and fluid social mobilization. While generating conflicts might seem inevitable in an already fractured context where economic opportunities are scarce, we believe that company management and other staff do have choices. They could for instance act in a more conflict-sensitive manner (e.g. by not taking obvious sides in an ongoing authority dispute, or by not threatening to sue community leaders) and take up lessons learned. For instance, the counterproductive effects of repression in Twangiza did not lead to efforts to avoid such a scenario in Namoya. In our analysis, these actions and inactions bespeak particular logics and beliefs – including regarding the nature of the population and what interventions are appropriate and desirable– that are specific to the staff members in question. Being in part the product of individuals' views and agency, Banro's practices could therefore have been different, consequently affecting social mobilization in different ways.

## 6. Conclusion

Focusing on two gold mining concessions operated by Banro, this article has examined the nature of social mobilization provoked by industrial mining projects in the eastern Congo. This mobilization was observed to be both fluid, being inconsistent and unstable, and fragmented, due to limited coordination between different groups and leaderships, and the articulation of varying demands, ranging from rejection to inclusion. Moreover, across as well as within these groups, attitudes towards the company are informed by diverse, sometimes seemingly contradictory, discourses.

We have ascribed this fragmentation and fluidity to three factors: first, those internal to the mobilization effort, second, the socio-economic and political context and third, company practices. Drawing upon elements of resource mobilization and political opportunity structure theory, we have highlighted how sustained and coherent mobilization is undermined by mobilizing groups' weak organizational structures and limited resources; and a context marked by scarce livelihood possibilities, intra-community divisions, patronage-based politics, and repression. However, the fluidity and fragmentation of mobilization also result from company practices, like co-optation, acquiescence of favoritism, limited supervision of security personnel, and ambiguous commitment to community participation. In our reading, the literature on social mobilization against and around large-scale mining does not always comprehensively discuss these corporate practices, which are enacted by individual staff members and do not necessarily emanate from formal company policy. In particular, some of this literature fails to take into account the full range of company practices, which include those related to security, employment and CSR, and which cover a broad spectrum between co-optation and (fostering) repression. Moreover, some research does not address company staff's *acquiescence*, in addition to their actions, or glosses over the contradictory effects of corporate practices. For instance, while CSR efforts may in some contexts defuse tensions (e.g. Bebbington et al., 2008), in our case, they stimulated conflicts and fostered antipathies towards the company by creating disillusionment. Our analysis thus calls for a more interactionist approach to analyzing social mobilization around extractivist projects, which looks at political actions and reactions both 'from below' and 'from above', including formal and informal practices, and the entire continuum between resistance/repression and collaboration/co-optation.



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